



USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/27/2021
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May 7, 2021

BY ECF

The Honorable Gregory H. Woods
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 2260
New York, NY 10007

MEMORANDUM ENDORSED

Re: *The Burlington Insurance Company v. PCGNY Corp. et al.*,
1:20-cv-10381-GHW (S.D.N.Y)

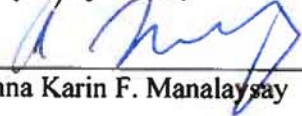
Dear Judge Woods:

As counsel for plaintiff Burlington Insurance Company ("Burlington"), I write with the consent of all parties in response to Your Honor's April 14, 2021 Order. After conferring regarding the PCGNY bankruptcy filing's effect on the claims in this action, the parties respectfully report that Burlington and defendant Skyline Restoration, Inc. ("Skyline") will file a motion pursuant to 11 U.S.C. section 362 for relief from the stay in the Bankruptcy Court. The motion will request that the Bankruptcy Court lift the stay in order to permit: (i) Skyline to proceed with its third-party claims against PCGNY in the underlying action solely for the purposes of fixing the amount of the Skyline claim; and (ii) Burlington and Skyline to proceed to adjudicate claims for coverage in this action under the liability policy that Burlington issued to PCGNY. Defendants American Empire Surplus Lines Insurance Company and Navigators Insurance Company will join the lift stay motion to also request leave to pursue their claims against the Burlington policy. If the Bankruptcy Court grants the lift stay motion, then the parties believe that all claims in this action can effectively proceed. The parties believe that judicial economy weighs strongly in favor of litigating all claims in this action at the same time.

Accordingly, the parties respectfully request that Your Honor temporarily stay this action until the Bankruptcy Court rules on the motion for relief from the stay. The parties anticipate that: (i) the motion for relief from the stay will be filed prior to June 18; and (ii) the Bankruptcy Court would rule on the motion prior to the end of July. Consequently, the parties anticipate reporting back to Your Honor regarding the Bankruptcy Court's ruling by the end of July. If the Bankruptcy Court grants the motion, then the parties would respectfully request that Your Honor extend the discovery deadlines in the current CMO by the amount of time during which the case has been stayed. The parties have not agreed on whether discovery should proceed if the Bankruptcy court does not grant the motion. If Bankruptcy court denies the motion, then the parties would anticipate making a separate submission to Your Honor addressing their differences. Counsel for the parties

would be pleased to participate in a conference with Your Honor in order to address any questions that you may have regarding their request.

Very Truly Yours,



Anna Karin F. Manalaysay

cc.: All Parties via ECF

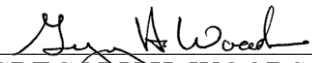
Application granted. This case is stayed until August 9, 2021. The parties are directed to file a joint letter apprising the Court of the status of proceedings, if any, before the Bankruptcy Court; the letter should also set forth the parties' respective positions concerning how this case should proceed. The parties' letter is due no later than August 2, 2021.

The parties' application for an extension of time in which to file the letter described in the Court's April 15, 2021 order, Dkt. No. 42, is granted nunc pro tunc.

The Clerk of Court is directed to terminate the motions pending at Dkt. Nos. 42 and 43.

SO ORDERED.

Dated: May 27, 2021
New York, New York



GREGORY H. WOODS
United States District Judge